

IN THE U.S. BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Leon Cleveland,	:	Chapter 13
Debtor	:	Bankruptcy No.: 13-12443-sr
_____	:	

MOTION TO MODIFY THE CHAPTER 13 PLAN (POST-CONFIRMATION)

NOW COMES the Debtor, Leon Cleveland, by and through counsel at the Law Office of Stephen Ross P.C., to move this Honorable Court to Modify the Chapter 13 Plan (Post-Confirmation), and in support thereof avers as follows:

1. Debtor filed a Chapter 13 Bankruptcy Petition on March 21, 2013. Debtor was assigned case no. 13-12443-sr.
2. Frederick L. Reigle, Esquire was assigned as the Chapter 13 Trustee.
3. A Chapter 13 Plan was confirmed by this Court on January 15, 2014 requiring thirty (30) monthly payments of \$1248.25 followed by thirty (30) payments of \$1617.00.
4. On April 27, 2014, a motion for relief was filed by mortgagee Bayview Loan Servicing, LLC ("Bayview") with respect to real property owned at 5863 Christian Street, Philadelphia, PA 19143.
5. The Confirmed Plan requires the Chapter 13 Trustee to pay to mortgagee Bayview pre-petition arrears in an amount of \$2,737.59.
6. Upon inspection of the Plan, Debtor reviewed the Chapter 13 Plan and immediately paid \$2,737.59 to Bayview. Debtor misunderstood the current confirmed plan to require a lump sum payment by Debtor with no further monthly payment.
7. The payment by Debtor to Bayview was applied to post-petition arrears and not to the pre-petition delinquency that is to be paid by the Chapter 13 Trustee.

8. Debtor and Bayview settled this matter by stipulation, which was approved by this Court on June 10, 2014.

9. Debtor owes Bayview \$10,075.00 in post-petition arrears and an additional \$826.00 in related attorney's fees by Bayview, for a total of \$10,901.00.

10. Debtor proposes a Chapter 13 Plan (Post-Confirmation) where all post-petition arrears are cured by the Chapter 13 Trustee. The total amount of pre-petition arrears and post-petition arrears to be paid by the Chapter 13 Trustee to Bayview is equal to \$13,638.59 (\$2,737.59 + \$10,901.00).

11. Mortgage payments will be paid monthly by Debtor to Bayview in the contractual monthly amount, including a portion for escrow.

12. The proposed Modified Plan (Post-Confirmation) requires Debtor to tender sixteen (16) monthly payments of \$1,248.25, followed by fourteen (14) payments of \$1358.25, followed by thirty (30) payments of \$1,727.00.

13. Debtor will fund the additional Chapter 13 Trustee payment necessary by reducing the average monthly expense for food by \$100, and eliminate the \$10 Debtor currently spends on drycleaning.

WHEREFORE, the Debtor respectfully requests that this Honorable Court modify the Chapter 13 Plan in accordance with the proposed Modified Chapter 13 Plan (Post-Confirmation) docketed on June 12, 2014.

Respectfully Submitted,

LAW OFFICE OF STEPHEN ROSS, P.C

By: /s/ Joseph Quinn, Esquire
Joseph Quinn, Esquire

Attorney I.D. 307467
152 E. High Street, Suite 100
Pottstown, PA 19464
Ph: (610) 323-5300
F: (610) 323-6081
Attorney for Debtor

Dated: June 12, 2014